

MAY - 5 2006

FROMMER LAWRENCE & HAUG LLP

745 Fifth Avenue
New York, New York 10151
Telephone: (212) 588-0800
Facsimile: (212) 588-0500
E-mail: Firm@flhlaw.com

FACSIMILE COVER LETTER

To:
Firm: USPTO
Facsimile: 571-273-8300
From: Marilyn M. Brogan/William F. Lawrence
Date: May 5, 2006
Re: Appln. Ser. No. 09/841,820
Group Art Unit 1616
Confirmation No. 6300
Examiner Alton Pryor
FLH: 514413-3872
Number of Pages: 22
(including cover page)
cc:

If you do not receive all pages or are unable to read the transmission, please call and ask for Elizabeth Interligi (Ext. 2018).

*** RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF**

CONFIDENTIALITY NOTICE

The documents accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is legally protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this facsimile is strictly prohibited.

003 70231

BEST AVAILABLE COPY

Confirm. No. 6300
514413-3872**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Wurtz et al
Serial No. : 09/841,820
Filed : April 25, 2001
For : LIQUID FORMULATIONS
Group Art Unit : 1616
Examiner : Alton Pryor

RECEIVED
CENTRAL FAX CENTER

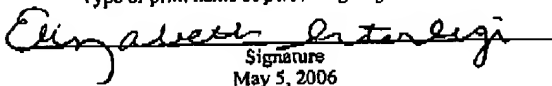
MAY - 5 2006

745 Fifth Avenue
New York, New York 10151**FACSIMILE**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (571) 273 - 8300 on the date shown below.

Elizabeth Interligi

Type or print name of person signing certification

Signature
May 5, 2006

Date of Signature

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Notification of Non-Compliant Appeal Brief dated April 5, 2006.

The Notification of Non-Compliant Appeal Brief states that the Section: "Related proceedings appendix" is missing from the Appeal Brief that was filed on January 6, 2006. However, a copy of that Appeal Brief is attached to this communication and the Examiner's

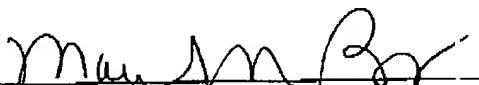
Confirm. No. 6300
514413-3872

attention is drawn to page 18, Section (10), which indicates that there are no related proceedings
appendixes to be submitted.

It is believed that no fee is necessary. However, the Commissioner is hereby
authorized to charge any additional fees which may be required, or credit any overpayment to
Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
Marilyn Brogan Howard C. Lee
Reg. No. 31,233 Reg. No. 48,104
(212) 588-0800

Confirm. No. 6300
514413-3872**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant(s) : Würtz et al.
Serial No. : 09/841,820
For : LIQUID FORMULATIONS
Filed : 25 April 2001
Examiner : Alton Pryor
Art Unit : 1616

**RECEIVED
CENTRAL FAX CENTER****MAY - 5 2006**745 Fifth Avenue
New York, NY 10151**EXPRESS MAIL**

Mailing Label Number: EV 723366247 US

Date of Deposit: January 9, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Appeal Brief - Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Charles B. Jackson

(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)**APPEAL BRIEF UNDER 37 C.F.R. §41.37
WITH REQUEST FOR EXTENSION OF TIME**

Mail Stop Appeal Brief - Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is filed in response to the Final Rejection of claims 15-18, 20-25 and 30-32 in the Office Action dated 7 April 2005.

This Brief is submitted in triplicate.

Confirm. No. 6300
514413-3872

This Brief is accompanied by a check for the requisite fee of \$500.00 as set forth in 37 C.F.R. §41.20(b)(2). The Assistant Commissioner is authorized to charge any deficiency or credit any overpayment associated with this appeal to Deposit Account No. 50-0320.

PETITION FOR EXTENSION OF TIME

Pursuant to the provisions of 37 C.F.R. §1.136(a)(1), applicants hereby petition for an extension of time of four months in responding to the Notice of Appeal of 7 July 2005. Granting of Applicants' request would serve to extend Applicants' due date from 7 September 2005 to 9 January 2006.

Enclosed is a check in the amount of \$1590 to satisfy the fee for a four (4) month extension of time. The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Account No. 50-0320.

(1) Real Party in Interest

The real party in interest of record in this appeal is the assignee, Aventis CropScience AG (see Notice of Recordation of Assignment - Reel/Frame: 012076/0595). The appellants note that the interest in this application has since transferred to Bayer CropScience AG and is the actually the real party in interest; a recordation of assignment will be filed to make this transfer of record.

(2) Related Appeals and Interferences

Appellants are not aware of any related appeals or interferences which directly affect or are directly affected or have bearing in the Board's decision in the pending appeal.

(3) Status of Claims

Claims 1-14, 19, 26 and 27 have been cancelled. Claims 15-18, 20-25 and 28-32 are pending in this application and stand rejected under 35 U.S.C. §§102(b) and 103(a). The rejections of claims 15-18, 20-25 and 28-32 are the subject of this Appeal Brief.

Given the lengthy prosecution history of this application, the appellants provide the following summary of the prosecution of this application which includes four non-final rejections and a restriction requirement which was later rescinded:

Confirm. No. 6300
514413-3872

Date	Action
	Claims pending References used in rejections
20 February 2002	First office action on the merits claims 1-13 rejected Kasai (JP 04066509)
19 July 2002	Response to office action claims 14-28 now pending
10 October 2002	Restriction requirement
10 February 2003	Response to restriction requirement claims 14-28 now pending
5 May 2003	Non-final office action (restriction withdrawn) claims 14,15 and 18-28 rejected; claims 16,17 and 29 allowable if rewritten in independent form Antipanova et al. (SU 126996)
28 July 2003	Response to office action claims 15-18, 20-25 and 28-32 now pending
4 November 2003	Non-final office action claims 15,17,18,20-25,28 and 30-32 rejected; no rejections for claims 16 and 29 Hirokawa et al. (JP 200344604)
23 February 2004	Response to office action claims 15-18,20-25 and 28-32 still pending
25 March 2004	1-year anniversary date of filing
17 June 2004	Non-final office action claims 15-18,20-25 and 28-32 rejected Nishi et al. (JP 11215004); Yausi et al. (JP 10330202); Kadowaki (JP 10182302); Hasegawa (JP 10182302)
17 September 2004	Response to office action claims 15-18,20-25 and 28-32 still pending
7 April 2005	Final rejection claims 15-18,20-25 and 28-32 rejected (same as 17 June 2004)

(4) Status of Amendments

An after final amendment to the claims was filed on 7 July 2005 and was indicated as being entered for the purposes of appeal by the Examiner in his Advisory Action of 29 September 2005.

(5) Summary of Claimed Subject Matter

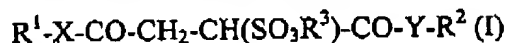
As required by 37 C.F.R. §41.37(c)(1)(v), the appellants provide below a concise explanation of each of the independent claims involved in the appeal and identify the support in the specification for each of the independent claims under appeal and dependent claims which are argued for separately.

The only independent claim under appeal is claim 30 which is directed to:

Confirm. No. 6300
514413-3872**A liquid formulation which comprises**

a) one or more compounds selected from the group consisting of

- sulfusuccinate of the formula (I)



in which

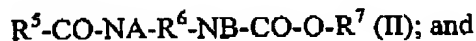
R^1, R^2 independently of one another are identical or different and are H, substituted or unsubstituted C_1-C_{30} -hydrocarbon radicals or (poly)alkylene oxide adducts,

R^3 is a cation and

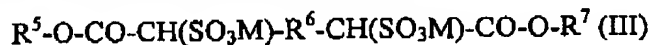
X, Y independently of one another are identical or different and are O or NR^4 , where

R^4 is H, a substituted or unsubstituted C_1-C_{30} -hydrocarbon radical, dicarboxyethyl or a (poly)alkylene oxide adduct;

- gemini surfactants of the formula (II)



- gemini surfactants of the formula (III)



in which

R^5, R^7 independently of one another are identical or different and are branched or straight-chain saturated or unsaturated hydrocarbon radicals having 1 to 30 carbon atoms,

R^6 is a spacer of a straight-chain or branched chain having 2 to 100 carbon atoms which contains 0 to 20 oxygen atoms, 0 to 4 sulfur atoms and/or 0 to 3 phosphorus atoms and which has 0 to 20 functional side groups and which contains 0 to 100 alkoxy groups,

A, B independently of one another are identical or different and are polyalkylene oxide radicals having a terminal OH, C_1-C_{20} -alkyl, carboxyethyl, carboxymethyl, sulfonic acid, sulfuric acid, phosphoric acid or betaine grouping, and

M is a cation; and

Confirm. No. 6300
514413-3872

- b) one or more active compounds from the group of **ALS inhibitors in dissolved form.**

Support for this claim can be found throughout the specification, e.g., on page 3, lines 4-12 and lines 15-17, page 6, line 9 - page 7, line 27 and original claims 1-5. The text in bold has been highlighted because these elements of the applicants invention appear to have been overlooked or ignored when considering whether the claimed invention was anticipated or rendered obvious by the references cited by the Examiner.

(6) Grounds of Rejection to Be Reviewed on Appeal

There are eight grounds for rejection to be reviewed on appeal:

1. Whether claims 15-18, 28 and 30-32 were properly rejected as being anticipated under 35 U.S.C. §102(b) by Nishi et al. (JP 11315004 - "Nishi");
2. Whether claims 15-18, 28 and 30-32 were properly rejected as being anticipated under 35 U.S.C. §102(b) by Yasui et al. (JP 10330202 - "Yasui");
3. Whether claims 15-18 and 28-32 were properly rejected as being anticipated under 35 U.S.C. §102(b) by Kadowaki (JP 10182302);
4. Whether claims 15-18 and 28-32 were properly rejected as being anticipated under 35 U.S.C. §102(b) by Hasegawa (JP 10081603);
5. Whether claims 20-25 were properly rejected as being obvious under 35 U.S.C. §103 over Nishi et al. (JP 11315004 - "Nishi");
6. Whether claims 20-25 were properly rejected as being obvious under 35 U.S.C. §103 over Yasui et al. (JP 10330202 - "Yasui");
7. Whether claims 20-25 were properly rejected as being obvious under 35 U.S.C. §103 over Kadowaki (JP 10182302); and
8. Whether claims 20-25 and 29 were properly rejected as being obvious under 35 U.S.C. §103 over Hasegawa (JP 10081603);

Confirm. No. 6300
514413-3872**(7) Argument**

Preliminary Note: Each of the four references cited at Japanese patents which are relied upon for the teachings from their abstracts. MPEP 706.01, section II states in part:

"Prior art uncovered in searching the claimed subject matter of a patent application often includes English language abstracts of underlying documents, such as technical literature or foreign patent documents which may not be in the English language. When an abstract is used to support a rejection, the evidence relied upon is the facts contained in the abstract, not additional facts that may be contained in the underlying full text document. Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) (unpublished)" (emphasis added)

A. Appellants' claims are not anticipated by the Nishi, Yasui, Kadowaki or Hasegawa references

Standard of Review

Whether an invention is anticipated is a question of fact. *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 299, 302, 36 USPQ2d 1101, 1103 (Fed. Cir. 1995).

In addition, MPEP 2131 states in part that "A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)" and that "The identical invention must be shown in as complete detail as is contained in the...claim." see *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d, 1913, 1920 (Fed. Cir. 1989).

For simplicity's sake, the appellants' claimed invention require: (1) a liquid formulation; (2) one or more compounds selected from the group consisting of a sulfosuccinate of the formula (I)..., gemini surfactants of formula (II); and gemini surfactants of formula (III); and (3) an ALS inhibitor in dissolved form (in each of the rejections the Examiner appears to believe that dissolving the prior art composition is the same as dissolving the ALS compound. **This is incorrect.** The ALS compound has not dissolved and no evidence has been provided to show this is an inherent property of the

Confirm. No. 6300
514413-3872

respective inventions of Nishi, Yasui, Kadowaki or Hasegawa). However, none of the references cited by the Examiner meets the criteria necessary to establish anticipation because they do not teach each and every element of the appellants' claimed invention.

1. Claims 15-18, 28 and 30-32 were improperly rejected as being anticipated under 35 U.S.C. §102(b) by Nishi et al. (JP 11315004 - "Nishi")

Nishi does not teach a liquid formulation or that their herbicide compound is in a dissolved form. Nishi's agrochemical formulations "...are manufactured by *coating calcined pumice cores* with apparent d. <1 and *particle size* 500-1400 µm with a *powdery composition containing poorly water-soluble agrochemicals.*" (emphasis added). Therefore, Nishi is not even remotely related to the appellants' claimed invention much less an anticipatory reference.

The Examiner is effectively arguing that the ALS is inherently dissolved in the referenced formulations. However, MPEP 2112, sec. IV (Requirements of Rejection Based on Inherency; Burden of Proof) states in part that "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).....To establish inherency, the *extrinsic evidence* 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. *The mere fact that a certain thing may result from a given set of circumstances is not sufficient.*'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)(citations omitted)" - (emphasis added). Even after five office actions, there is still no extrinsic evidence on the record which would serve to support the position that ALS is inherently dissolved especially when the teachings of the abstract suggests that it is the composition and not the herbicide compound itself that dissolves.

2. Claims 15-18, 28 and 30-32 were improperly rejected as being anticipated under 35 U.S.C. §102(b) by Yasui et al. (JP 10330202 - "Yasui");

Confirm. No. 6300
514413-3872

Yasui is directed to an aqueous *suspension* (a mixture of fine non-settling particles of any *solid* within any liquid) wherein the solid material is the *water-insoluble* herbicide and therefore does not teach the herbicide compound in dissolved form. The appellants' arguments with respect to inherency from paragraph A.1. also apply here.

3. Claims 15-18 and 28-32 were improperly rejected as being anticipated under 35 U.S.C. §102(b) by Kadowaki (JP 10182302)

Kadowaki is also directed to an aqueous *suspension* wherein the solid material is the *water-insoluble* herbicide imazosulfuron (see also Abstract of Kadowaki from the European Patent Office web site - "This agrochemical suspension comprises active agrochemical components, preferably substantially water-insoluble components, preferably imazosulfuron and bensulide.") and therefore does not teach the herbicide compound in dissolved form.

Kadowaki is less relevant than even Yasui in that Kadowaki does not disclose any of the one or more compounds selected from the group consisting of a sulfosuccinate of the formula (I)..., gemini surfactants of formula (II); and gemini surfactants of formula (III). Therefore, Kadowaki is not even remotely related to the appellants' claimed invention much less an anticipatory reference.

The appellants' arguments with respect to inherency from paragraph A.1. also apply here.

4. Claims 15-18 and 28-32 were improperly rejected as being anticipated under 35 U.S.C. §102(b) by Hasegawa (JP 10081603)

Hasegawa is directed to an agrochemical *granule or tablet which float on the surface of flooded rice paddies* and contains the *water-insoluble* herbicide imazosulfuron. In addition, Hasegawa does not refer to the one or more compounds selected from the group consisting of a sulfosuccinate of the formula (I)..., gemini surfactants of formula (II); and gemini surfactants of formula (III). Therefore, Hasegawa has NONE of the elements of the appellants' invention and is not an anticipatory reference. The appellants' arguments with respect to inherency from paragraph A.1. also apply here.

Confirm. No. 6300
514413-3872

B. Appellants' claims are not obvious over the Nishi, Yasui, Kadowaki or Hasegawa references

Standard of Review

MPEP 2143.03 states in part that "To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)". However, as noted above, none of Nishi, Yasui, Kadowaki or Hasegawa taught the requirements for anticipation and there is no teaching or suggestion from within the abstract which suggests modification of the respective inventions to approximate the appellants' claimed invention.

5. Claims 20-25 were improperly rejected as being obvious under 35 U.S.C. §103 over Nishi et al. (JP 11315004 - "Nishi").

Nishi does not teach a liquid formulation or that their herbicide compound is in a dissolved form. Nishi's agrochemical formulations "...are manufactured by *coating calcined pumice cores* with apparent d. <1 and *particle size 500-1400 µm* with a *powdery composition containing poorly water-soluble agrochemicals.*" (emphasis added).

Even if used in combination, none of Nishi, Yasui, Kadowaki or Hasegawa establish a *prima facie* case of obviousness as there is no teaching or suggestion from within the abstract which suggests modification of the respective inventions to approximate the appellants' claimed invention.

6. Claims 20-25 were improperly rejected as being obvious under 35 U.S.C. §103 over Yasui et al. (JP 10330202 - "Yasui")

Yasui is directed to an aqueous *suspension* (a mixture of fine non-settling particles of any *solid* within any liquid) wherein the solid material is the *water-insoluble* herbicide and therefore does not teach the herbicide compound in dissolved form.

Even if used in combination, none of Nishi, Yasui, Kadowaki or Hasegawa establish a *prima facie* case of obviousness as there is no teaching or suggestion from

Confirm. No. 6300
514413-3872

within the abstract which suggests modification of the respective inventions to approximate the appellants' claimed invention.

7. Claims 20-25 were improperly rejected as being obvious under 35 U.S.C. §103 over Kadowaki (JP 10182302)

Kadowaki is also directed to an aqueous *suspension* wherein the solid material is the *water-insoluble* herbicide imazosulfuron (see also Abstract of Kadowaki from the European Patent Office web site - "This agrochemical suspension comprises active agrochemical components, preferably substantially water-insoluble components, preferably imazosulfuron and bensulide.") and therefore does not teach the herbicide compound in dissolved form.

Kadowaki is less relevant than even Yasui in that Kadowaki does not disclose any of the one or more compounds selected from the group consisting of a sulfusuccinate of the formula (I)..., gemini surfactants of formula (II); and gemini surfactants of formula (III).

Even if used in combination, none of Nishi, Yasui, Kadowaki or Hasegawa establish a *prima facie* case of obviousness as there is no teaching or suggestion from within the abstract which suggests modification of the respective inventions to approximate the appellants' claimed invention.

8. Claims 20-25 and 29 were improperly rejected as being obvious under 35 U.S.C. §103 over Hasegawa (JP 10081603)

Hasegawa is directed to an agrochemical *granule or tablet which float on the surface of flooded rice paddies* and contains the *water-insoluble* herbicide imazosulfuron. In addition, Hasegawa does not refer to the one or more compounds selected from the group consisting of a sulfusuccinate of the formula (I)..., gemini surfactants of formula (II); and gemini surfactants of formula (III).

Even if used in combination, none of Nishi, Yasui, Kadowaki or Hasegawa establish a *prima facie* case of obviousness as there is no teaching or suggestion from within the abstract which suggests modification of the respective inventions to approximate the appellants' claimed invention.

Confirm. No. 6300
514413-3872**Conclusion**

For the reasons given above, the appellants respectfully submit that the Examiner's rejection of claims 15-18, 20-25 and 28-32 should be reversed by this Honorable Board, and prompt issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

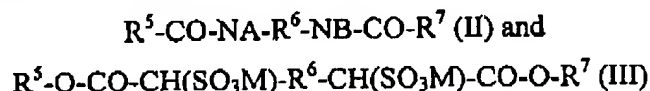
FROMMER LAWRENCE & HAUG LLP
Attorneys for AppellantsBy: Howard C. Lee
Marilyn M. Brogan
Reg. No. 31,233Howard C. Lee
Reg. No. 48,104
(212) 588-0800

Confirm. No. 6300
514413-3872**(8) Claims Appendix****Claims 1-14 (Cancelled)****Claim 15 (Previously presented)**

15. The liquid formulation as claimed in claim 30, which comprises, as component b), one or more sulfonylureas.

Claim 16 (Previously presented)

16. The liquid formulation as claimed in claim 30, which comprises, as component a), one or more compounds from the group consisting of the gemini surfactants of the formula



in which

- R^5, R^7 independently of one another are identical or different and are branched or straight-chain saturated or unsaturated hydrocarbon radicals having 1 to 30 carbon atoms,
- R^6 is a spacer of a straight-chain or branched chain having 2 to 100 carbon atoms which contains 0 to 20 oxygen atoms, 0 to 4 sulfur atoms and/or 0 to 3 phosphorus atoms and which has 0 to 20 functional side groups and which contains 0 to 100 alkoxy groups,
- A, B independently of one another are identical or different and are polyalkylene oxide radicals having a terminal OH, C_1 - C_{20} -alkyl, carboxyethyl, carboxymethyl, sulfonic acid, sulfuric acid, phosphoric acid or betaine grouping, and
- M is a cation.

Claim 17 (Previously presented)

17. The liquid formulation as claimed in claim 30 which comprises, as component a), one or more compounds from the group of the sulfosuccinates of the formula (I)



in which

Confirm. No. 6300
514413-3872

R^1, R^2 independently of one another are identical or different and are H, substituted or unsubstituted C_1 - C_{30} -hydrocarbon radicals or (poly)alkylene oxide adducts,
 R^3 is a cation and
 X, Y independently of one another are identical or different and are O or NR^4 , where R^4 is H, a substituted or unsubstituted C_1 - C_{30} -hydrocarbon radical, dicarboxyethyl or a (poly)alkylene oxide adduct.

Claim 18 (Previously presented)

18. The liquid formulation as claimed in claim 30, comprising, as component b), one or more active compounds from the group of the ALS inhibitors in combination with one or more agrochemicals which are different from ALS inhibitors.

Claim 19 (Cancelled)

Claim 20 (Previously presented)

20. The liquid formulation as claimed in claim 31, wherein the ALS inhibitor is a sulfonylurea.

Claim 21 (Previously presented)

21. The liquid formulation as claimed in claim 30, comprising

- from 0.1 to 80% by weight of one or more compounds selected from the group consisting of gemini surfactants and sulfosuccinates
- from 0.0001 to 50% by weight of one or more active compounds from the group of the ALS inhibitors,
- from 0 to 60% by weight of additional surfactants and/or polymers,
- from 0 to 90% by weight of organic solvents,
- from 0 to 50% by weight of agrochemicals which are different from ALS inhibitors,
- from 0 to 20% by weight of customary formulation auxiliaries and/or
- from 0 to 50% by weight of water.

Confirm. No. 6300
514413-3872**Claim 22 (Previously presented)**

22. The liquid formulation as claimed in claim 21 wherein the ALS inhibitor is a sulfonylurea.

Claim 23 (Previously presented)

23. The liquid formulation as claimed in claim 30, comprising
- from 0 to 60% by weight of one or more compounds selected from the group consisting gemini surfactants and sulfosuccinates,
 - from 1 to 15% by weight of one or more active compounds from the group of the ALS inhibitors,
 - from 0 to 50% by weight of additional surfactants and/or polymers,
 - from 0 to 30% by weight of organic solvents,
 - from 0 to 50% by weight of agrochemicals which are different from ALS inhibitors and/or
 - from 0 to 10% by weight of customary formulation auxiliaries.

Claim 24 (Previously presented)

24. The liquid formulation as claimed in claim 23 wherein the ALS inhibitor is a sulfonylurea.

Claim 25 (Previously presented)

25. The liquid formulation as claimed in claim 30, the form of a solution, dispersion or an emulsion concentrate.

Claims 26 and 27 (Cancelled)**Claim 28 (Previously presented)**

28. A method for controlling undesirable vegetation, which comprises applying an effective amount of a formulation as claimed in claim 30, if required, after dilution with water, to the seeds, plants, parts of plants or the area under cultivation.

Confirm. No. 6300
514413-3872

Claim 29 (Previously presented)

29. The liquid formulation according to claim 30, wherein the component a) is sodium di-(2-ethylhexyl)sulfosuccinate) and the ALS inhibitor is iodosulfuron-methyl or its sodium salt.

Claim 30 (Previously presented)

30. A liquid formulation which comprises

- a) one or more compounds selected from the group consisting of

- sulfosuccinate of the formula (I)



in which

R^1, R^2 independently of one another are identical or different and are H, substituted or unsubstituted C_1 - C_{30} -hydrocarbon radicals or (poly)alkylene oxide adducts,

R^3 is a cation and

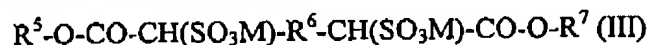
X, Y independently of one another are identical or different and are O or NR^4 , where

R^4 is H, a substituted or unsubstituted C_1 - C_{30} -hydrocarbon radical, dicarboxyethyl or a (poly)alkylene oxide adduct;

- gemini surfactants of the formula (II)



- gemini surfactants of the formula (III)



in which

R^5, R^7 independently of one another are identical or different and are branched or straight-chain saturated or unsaturated hydrocarbon radicals having 1 to 30 carbon atoms,

R^6 is a spacer of a straight-chain or branched chain having 2 to 100 carbon atoms which contains 0 to 20 oxygen atoms, 0 to 4 sulfur atoms and/or 0 to 3 phosphorus atoms and which has 0 to 20 functional side groups and which contains 0 to 100 alkoxy groups,

Confirm. No. 6300
514413-3872

- A,B independently of one another are identical or different and are polyalkylene oxide radicals having a terminal OH, C₁-C₂₀-alkyl, carboxyethyl, carboxymethyl, sulfonic acid, sulfuric acid, phosphoric acid or betaine grouping, and M is a cation; and
- b) one or more active compounds from the group of ALS inhibitors in dissolved form.

Claim 31 (Previously presented)

31. The liquid formulation as claimed in claim 30 which further comprises one or more components selected from the group consisting of
- a) additional surfactants and/or polymers,
 - b) organic solvents,
 - c) agrochemicals which are different from ALS inhibitors,
 - d) customary formulation auxiliaries,
 - e) tank mix components, and/or
 - f) water.

Claim 32 (Previously presented)

32. The liquid formulation of claim 30 which comprises as component b) one or more sulfonamides and further comprises c) an organic solvent.

Confirm. No. 6300
514413-3872

(9) **Evidence Appendix**

- (1) Copy of abstract for JP 10182302 from the European Patent Office website
(<http://v3.espacenet.com/textdoc?DB=EPODOC&IDX=JP10182302&F=0>)

Confirm. No. 6300
514413-3872

(10) Related Proceedings Appendix

None

esp@cenet document view

AQUEOUS EMULSIFIED AGROCHEMICAL SUSPENSION AND ITS PRODUCTION

Patent number: JP10182302
Publication date: 1988-07-07
Inventor: KADOWAKI ATSUSHI
Applicant: TAKEDA CHEMICAL INDUSTRIES LTD
Classification:
- international: A01N25/04; A01N25/04; A01N25/22; A01N25/30;
A01N47/36; A01N57/14; A01N25/10
- european:
Application number: JP19970296644 19971029
Priority number(s): JP19970296644 19971029; JP19960288364 19961030

Report a data error here:

Abstract of JP10182302

PROBLEM TO BE SOLVED: To produce an aqueous emulsified agrochemical suspension that contains a specific substance together with polyvinyl alcohol, as a stabilizer, and surfactants in addition to active agrochemical components, and stable under conditions of long-term storage, low or high temperature, and violent vibrations. **SOLUTION:** This agrochemical suspension comprises active agrochemical components, preferably substantially water-insoluble components, preferably imazosulfuron and bensulide, and a combination of proteins, preferably in a quantity of approximately 0.01-10wt.%, and polyvinyl alcohol, preferably in a quantity of approximately 0.01-10wt.%, as stabilizers, and surfactants, preferably in a quantity of approximately 0.1-20wt.%, and may further contain one or more components selected from organic solvents, inorganic salts, organic acids, phospholipids, and epoxidized plant oils.

Data supplied from the esp@cenet database - Worldwide

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.